

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

214

CWP-6985-2017

Date of decision: 13.02.2024

Vishal Kumar

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. R.V.S. Chugh, Advocate for the petitioner.

Mr. Manipal Singh Atwal, DAG, Punjab.

AMAN CHAUDHARY J.

1. The prayer in the present Civil Writ Petition filed under Article 226 of the Constitution of India, is for issuance of a writ in the nature of certiorari for quashing the order dated 08.12.2016, Annexure P-7 passed by respondent No.2, whereby, the claim of the petitioner for service on compassionate grounds has been denied.

2. Learned counsel would contend that the claim of the petitioner for compassionate appointment, sought on the ground of the demise of his father, working as Field Worker, has been rejected vide letter dated 08.12.2016, Annexure P-7, primarily on the ground that his mother is working as a Sweeper in Municipal Corporation on regular basis and as per Instructions dated 21.11.2002, his case was not found to be covered. Reference was made to the said Instructions wherein, it has been mentioned that the Department shall satisfy itself that in deserving cases even where there is already an earning member, the claim for compassionate appointment with prior approval of the Secretary can be considered, taking into account the number of dependants, assets and liabilities left by the government servant, income of the earning member as also the liabilities, including the fact that the earning member is residing with the family of the

government servant. In this regard, he makes a reference to Annexures P3 to P-5 to contend that the father of the petitioner had taken personal loan, which was outstanding as also the house loan bank statement and the certificate of the Tehsildar that the petitioner is not owner of any movable and immovable property, except residential house, which is in the ownership of his mother, where his family member resides. He submits that his sister is also still unmarried. These aspects have not been taken into consideration by the competent authority. He prays that liberty be granted to him to bring to the notice of the authorities all these facts supported by documents to substantiate them, for which he would file a representation/legal notice within four weeks. He thus, at this stage, on instructions, submits that the petitioner is sanguine of it being considered in a positive manner, in case, a direction is given to the respondents to decide the same in a time bound manner by granting him an opportunity of hearing.

3. Learned State counsel has no objection to the limited prayer made.

4. In view of the aforesaid and without commenting upon the merits of the case, this petition is hereby disposed of with a direction that in case the petitioner submits a representation within a period of four weeks, the same shall be considered by the respondents and decided by taking a sympathetic view in the matter, within a period of six weeks and if found entitled, necessary benefit be granted forthwith. However, in the eventuality of the relief being denied, a speaking order be passed, after associating the petitioner.

13.02.2024
Hemant

(AMAN CHAUDHARY)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No